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Dan Smoot Report

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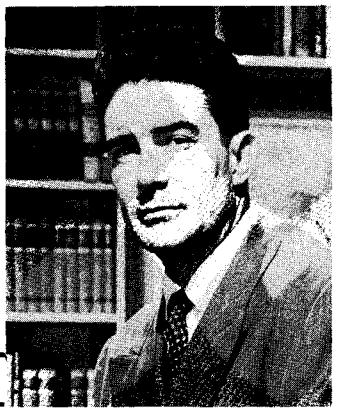

DAN SMOOT

FREEDOM OR TYRANNY?

Dr. J. Roy Robinson, Pastor of the Citadel Square Baptist Church, Charleston, South Carolina, preached a sermon defending the Supreme Court's New York Prayer Case decision. A pamphlet, based on the sermon and entitled *Right Or Wrong?*, has been published by Protestants & Other Americans United, 1633 Massachusetts Avenue, N. W., Washington 6, D. C.

I have had many requests to comment on Dr. Robinson's sermon.

Dr. Robinson gives the background of the New York School Prayer Case — which is, essentially, this:

In 1951, the New York State Board of Regents prepared a 22-word, non-denominational prayer which members felt could be said in public school classrooms without offending any parents or children. The Board did not order any school system to use the prayer, but officially approved its use, provided that no child would, in any way, be coerced to participate in saying the prayer, or even listening to it.

In 1958, the Board of Education of Union Free School District No. 9, New Hyde Park, Long Island, New York, adopted the Regents Prayer, and directed the district's principal to cause it to be said aloud in the presence of a teacher, in each classroom, at the beginning of each school day.

The Supreme Court majority decision on June 25, 1962, written by Justice Hugo Black, held that the Regents Prayer violated the First Amendment to the Constitution of the United States. The case (*Engel versus Vitale*) is generally known as the New York School Prayer Case.

Approving the Supreme Court Decision which outlawed the Regents Prayer, Dr. J. Roy Robinson says that the *only* question asked by plaintiffs in this case was: *Can any group*

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representing . . . government tell me the prayer that I or my children must pray in public schools?

Dr. Robinson is misinformed: the question he poses was not raised at all in the New York School Prayer Case. Even Justice Black conceded that no child was required to say the prayer, or listen to it, and that elaborate precautions had been taken to protect any child against bearing any kind of punishment or obloquy if he did not choose to say, or listen to, the prayer.[1]

Justice Black held that the First Amendment, which prohibits the *United States* Congress from making a law respecting a religious establishment, also prohibits agencies of state or local governments from making such laws. A great number of Supreme Court decisions, going back to the infancy of our Republic, accurately hold that the First Amendment is a prohibition only upon the federal government. The legislative history of Madison's Resolution, which proposed the First Amendment, emphatically confirms this concept of the application of the First Amendment.[1]

Indeed, after the Constitution and Bill of Rights were adopted, there were still a few officially established state churches in the United States — and they were quite legal in our constitutional system. I, personally, am very much opposed to officially established state churches; but the point here is that no branch of the federal government (including the federal courts) has authority to do anything about such establishments. Our Constitution (while silent about what state and local governments may or may not do concerning religious matters) sternly prohibits the federal government from making any law having anything whatever to do with an establishment of religion.

Dr. J. Roy Robinson cites one of Justice Black's footnotes which explains, in effect, that the Prayer Case decision will not affect the singing of anthems which reflect religious faith. Dr. Robinson ignores the fact that the lawyer who successfully fought this case for plaintiffs (Leo Pfeffer of the American Jewish Congress, who has similar cases pending in other parts of the country) announced that the Prayer Case decision would be used as a precedent for outlawing even the *teaching about religion, without sectarian bias,* (and outlawing baccalaureate services which have religious content) in public schools throughout the land.[1]

Justice Black's explanation that the Prayer Case decision would not outlaw anthems with religious content had an interesting repercussion which Dr. Robinson may not have heard about.

On June 29, 1962 (four days after the Prayer Case decision was handed down) the School Board of Union Free School District 17 of Oyster Bay, Nassau County, New York, authorized the recitation, as a prayer, by children in classrooms, of a stanza from the *Star Spangled Banner.*

One parent in the district — Mrs. Alfred Rubinstein — complained about the *Star Spangled Banner* "prayer." A formal hearing on the matter was held before the New York State Education Commissioner (James E. Allen, Jr.) on August 9, 1962.

On August 29, 1962, Commissioner Allen ruled that recitation, as a prayer, of a stanza from the national anthem violated the Supreme Court's Prayer Case decision.[2]

Dr. Robinson says there is nothing in the New York Prayer Case decision which would prohibit a child from asking permission to say the Lord's Prayer in the classroom. That is true. But there was nothing in the school board's regulations to prohibit an atheist child from asking to be excused from saying the Regents Prayer. In fact, under the school board's specific provisions, the atheist child (or any other) did not have to make himself conspicuous, or be aggressive enough, to *ask* to be excused. He could just remain silent, without attracting attention to himself at all. Or, he could leave the room, if he did not want to hear other children pray.

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I have known — and I suspect that Dr. Robinson has known — lively little boys, with a flare for histrionics, who might stalk out of a classroom at prayer time, not because they object to prayer, but for the fun of making such a gesture. I have never known a child — and I wonder how many Dr. Robinson has known — so maturely devout that he would risk the jibes of his classmates, and the possible disapproval of his teacher, by asking special permission to say the Lord's Prayer, in a classroom where prayers are not said. Remember: there is no school board ruling which prohibits a teacher from embarrassing a child who might ask to say a prayer, but there was a very specific ruling which prohibited New Hyde Park school teachers from embarrassing a child who excused himself from prayer.

I am sure that Dr. Robinson does not realize what he is saying. In effect, he is saying: it is all right to raise almost insurmountable obstacles in the path of religious children (Christians and others) who might want to say a prayer in the classroom; and it is all right to embarrass children who want to manifest religious faith in order to avoid the remote possibility of embarrassing a tiny minority of children who are atheists.

Dr. Robinson labors the point that the New York School Prayer Case decision does not prevent clergymen from speaking in classrooms on religious subjects; and does not outlaw Bible reading; and does not prohibit classroom prayers that are not "official." Dr. Robinson ignores the fact that Leo Pfeffer has a case in which Florida parents have challenged a state law requiring daily Bible reading.

After he won the New Hyde Park case, Mr. Pfeffer jubilantly predicted that he will now win his Florida case. And, again, Dr. Robinson ignores the fact that Pfeffer and the interests he represents intend to use the New York Prayer Case decision as an entering wedge which will eventually pry all manner of religious observance or instruction out of all public institutions.

Dr. Robinson acknowledges the fact that the day may come when the Supreme Court will decide to prohibit prayer in Congress and other public places, and says it "will be a tragic and sinful day" when such a thing happens; but he consoles himself that the New York School Prayer Case did not bring that "sinful day." Dr. Robinson apparently knows nothing about the fabian techniques (practiced effectively in the United States for more than half a century, in all areas of our national life) of eroding away our liberties and our principles, a step at a time. The Prayer Case decision is more than a planned step toward outlawing God in the United States. It is a grand *demarche* toward that end.

The principle of separation of church and state is one of the pillars of freedom and constitutional government in the United States: it is of over-riding importance to liberty.

Baptists (more, perhaps, than any other religious group) are extremely sensitive about any hint of a violation of this great principle; and many of them (like Dr. J. Roy Robinson) really feel that the Supreme Court's Prayer Case decision was necessary to maintain the "wall of separation" between church and state. Actually, the decision did more to breach that wall than any other official act ever committed by an agency of government. The Supreme Court's Prayer Case decision is the most dangerous and sinister violation of the ideal of religious freedom that has ever occurred in the United States of America.

Pretending to protect the principle of separation of church and state, the Supreme Court has illegally put the *federal state* into the position of regulating religious matters.

Justice Black admits that the Regents Prayer did not violate that part of the First Amendment which prohibits the federal government from interfering with the "free exercise" of religion; but Justice Black's decision clearly violates the "free exercise" provision.

Only five parents in the New Hyde Park School District objected to the Regents Prayer. Apparently all the rest approved. It follows that an overwhelming majority of students

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in the district were engaged in the "free exercise" of religion, by publicly saying a prayer they wanted to say. The Supreme Court, in effect, ordered them to stop.

Dr. Robinson speculates on what might have happened if the New York School Prayer Case had been decided the other way. He envisions the school board placing denominational representatives in classrooms, and branding as heretics all who did not belong to a particular denomination.

Such a thing never happened in the United States of America, even when there were official state churches. The painful precautions which the New York school authorities took — to write an innocuous, non-Christian, prayer, and then to spare the feelings of any who just do not like prayer—are proof enough that no school board in the United States could do (or would even try to do) what Dr. Robinson envisions if "the decision had been otherwise."

Dr. Robinson implies that the New Hyde Park school prayer was a means (or could have become a means) by which someone in authority might force his own religious belief on someone else. Nothing in the prayer itself, in the history of its adoption, or in the record of its use gives the slightest justification for such an implication.

But what if some vicious or stupid school board did try to do such a thing? Would the parents of a whole community supinely surrender? What would be their *legal* recourse? Certainly not any branch of the federal government!

The parents might, through vehement public protest, force the school board to behave. If that failed, they could, at the polls, remove the school board and elect the right kind.

If that failed (or if they did not want to wait for that trial), they could (and this would be the best recourse of all) take their children out of the public schools and organize for them some good Baptist, or Episcopalian, or Jewish, or Presbyterian, or non-denominational private school — where the children would get the kind of education their parents wanted them to have.

Why Is God Necessary?

To many people (who claim religious faith but seem totally immune to spiritual experience) the furor about prayer in schools looks like much ado about nothing. Why not just outlaw all religious observance from all public institutions and have done with it?

What about the deep spiritual hunger that shapes the lives of millions of our finest citizens? Such people feel crippled and handicapped if they cannot bring God into the important activities of their lives. What about their rights in the public schools?

Outlaw all mention of God from all activities connected with public schools, and then let me see the President or Supreme Court Justice or law-maker who can devise a law or rule to fill the aching void that would be left in the life of the seventeen-year-old boy who delivered the following graduating speech to his high school class:

"Why do I want God in my graduation? Because I don't understand a blade of grass and neither does any other man. I can't understand how it is that as I look into the sky, I am not looking up — rather, I am looking down; that I am not standing on top of the world — but rather, hanging from it. For 13 years I've been going to school and others far longer than that, but neither I nor they can put the flame in a lily's throat or the blush in an apple blossom's petal.

"Why do I want God in my graduation? Because I do not understand you or very many things about you. You sit there, hundreds strong, old and young, rich and poor, educated and uneducated, happy and sad, yet there is not one of you I really understand for God has made you all different — no two of you are the same. Before me are over 5,000 fingers and every one of them is different. You are miracles. You are sitting there and I am standing here. However, you can hear every word that I say yet there is nothing between us. I move my lips and a sound is born. It has its nativity in the movements of some muscles.

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It travels on unseen wings to your thousand ears. And you, the sensitive, incomprehensible being that you are receives the vibrations and transforms them into thoughts for you to ponder. God did this. No graduate of M.I.T., Princeton, Harvard, Yale or the University of Moscow can explain why this happens. It is a secret God saves for Himself.

"Why do I want God in my graduation? Because I don't understand myself. Every year of my young life, sincere and dedicated men and women have sought to pound knowledge into my stubborn skull. I have grasped sufficient of this to be here tonight. But what do I know of myself? Why can I behold the signature of God scrawled across the sunset while my blind companion cannot? Why can I hear a Beethoven sonata when another who would have understood it better will never be able to behold the glory of that sound? How can I think of God? How can a being so incomprehensible fit Himself into the tiny chambers of my mind? Why has He made me — me? Why has He given me what He has? What plans has He for the future that is His?

"It is for these reasons: The fact that I do not comprehend this world, the fact that I do not comprehend my fellow human beings and the fact that I do not really understand myself that I want God in my graduation.

"In a short time I will be graduated; I will not graduate myself but I will be graduated by those who are my superiors. I am not the subject of this action—rather, I am the object. I have not fully earned this and neither has any senior, for not one of us knows all that we've been taught. It is true that we have passed certain examinations but these cover only a small part of the total treasury of learning that has been open to us. Thus, I cannot claim the honor of being graduated. I can only humbly receive it with gratitude, gratitude to my teachers, gratitude to my school, but most of all, gratitude to my God. For the minds of my teachers and the cumulative wisdom of this or any other school are the gifts of God. No teacher who knows that he knows, will claim otherwise. No school system worthy of the tremendous responsibility entrusted to it, will think differently.

"Why do I want God in my graduation? Because without Him there would be no graduation, no mind with which to learn, no teacher from which to learn, no school in which to learn. God is all and all in all. In Him we move and live and have our being. That is why I not only want God in my graduation but I want to be in Him as I graduate.

"Somehow, in spite of the miserable inefficiencies of a senior's vocabulary, I want Him to know I am grateful. Somehow, in defiance of the limitations of my young mind, I want to reach out and touch the garment of His greatness and say, Because Thou art, I am. Make me worthy of that which has been given to me. Make me strong and able to produce that which will be required of me. Mould me, make me, bind me, break me, but use me, O God, to the glory of Thine own Name.

"And if this can be so, that I can in these few days move from one world into another, from the world of the cared for to the world of the responsible, it will only be so because God was in my graduation. To Him then, be all the honor and glory on earth; as it is in Heaven, for His is the Kingdom, the Power and Glory, forever and ever. Amen."

The above graduation speech was an unadulterated outpouring of the religious feeling of a seventeen-year-old boy.

It was not written with any thought that it would ever be published by me, or anyone else; and it was not written as a commentary on the Supreme Court Prayer Case decision, or on any other current event. In fact, the speech was written and delivered a year before the Supreme Court's Prayer Case decision.

The speech was made to the 1961 graduating class of the McKeesport, Pennsylvania High School — by Herbert D. Steele, then a graduating senior, now a sophomore in Duke University.

Why Not Try Freedom?

Whenever a problem becomes a "public" problem — in the sense that government at some level attempts to solve it — it becomes impossibly complicated.

Some five or six million of America's children are educated in private schools. Surely, there are innumerable problems involved in running schools for that many children; but we do not hear much about them. Somehow,

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the churches, private organizations, and individuals who operate schools without state help manage to get along.

With regard to public schools and colleges, however, the divisions of opinion and the jarring controversies seem impossible of sane solution.

The question of prayer and other religious observance in schools is typical. Jews pay taxes to support public schools. Hence, they do not want the schools used for the worship of Christ. Christians do not want the schools to promote Judaism. But even if the religious ceremony is watered down so that it is inoffensive to both groups (as was the case in New Hyde Park) someone will still object.

If you solve the problem by eliminating all religious ceremony, you offend millions of taxpayers who believe that secular, materialistic education, divorced from any reference to man's spiritual needs, is the surest way to destroy the foundation of the American system which is based on freedom under God.

We have the most expensive educational system in the history of civilization. Yet, practically everyone says it is inadequate. Good teachers are not getting enough money; bad ones are getting too much.

School officials are always urging parents to take an active interest in "their" schools; yet, if parents try to offer some real criticism of books and courses and teaching methods, they *frequently find that the schools are not* "theirs" at all. Parents discover that the schools actually belong to the State Boards of Education; and it is to these boards and not to the parents that school officials are answerable.

Federal aid to education is transferring the "ownership" of our schools even further away from the parents, whose only allowable role in the public school system is to furnish the children and the tax money.

Some parents want their children in racially integrated schools; others do not.

Some parents approve of the progressive school curriculum which trains youngsters in a few of the arts of social behavior but leaves them ignorant of everything else; others would like their children drilled hard in the use of language, in the mysteries of arithmetic, and in the history of their state and nation.

What could we do about all this?

Why not try freedom, and permit citizens to build and patronize the kind of schools they want?

For prices on single and multiple copies of this *Report,* see bottom of the first page. How many people do you know who should read this *Report?*

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Why not abolish all compulsory tax-supported public schools and colleges?

Those who want church schools, could support church schools. Those who want nonsectarian private schools; or trade schools; or dancing schools; or schools of classic instruction; or segregated schools—could do likewise.

How about all the poor children whose parents could not pay tuition?

There never was a time or place in the United States when a child could not get all the education he was capable of absorbing.

The people of America voluntarily contribute enough money to maintain churches for a hundred million registered members; they voluntarily spend about one hundred times as much on entertainment and luxuries as they spend on churches; and they contribute generously to educational, charitable, and artistic institutions all over the world.

It is a gratuitous insult to such a people to say that they could not or would not educate their own young without being compelled to do so by the force of law.

The fact is that they would do a far better job than they are now doing, if government would leave them alone to build and support the kind of schools they want.

The compulsory, tax-supported public school system did not develop in the United States until after the Civil War; and we had better education before the system developed than we have ever had since.

The Kennedy Administration's brutal, senseless, and illegal behavior in forcing the University of Mississippi to enroll James Meredith has done infinite harm to our constitutional system. It has made higher education a matter of low politics. And it has done irreparable harm to the one cause which the Kennedy brothers most consistently claimed as justification: harmonious race relations.

In Mississippi today, there is great agony of soul, because no one quite knows what to do. Governor Barnett tried the sound constitutional doctrine of interposition; that did not work, because the Kennedys merely crushed Mississippi with overwhelming force.

What a marvelous boon to the cause of freedom if the Governor and legislature of Mississippi had then solved the problem by abolishing all tax-supported schools, colleges, and universities in the State, putting the physical plants up for sale to the highest bidders — to let the people provide the kind of private educational facilities they want!

FOOTNOTES

(1) "Supreme Court Prayer Decision — Part I," July 16, 1962; "Supreme Court Prayer Decision — Part II," July 23, 1962; "Supreme Court Prayer Decision — Part III," July 30, 1962; "Supreme Court Prayer Decision — Part IV," August 13, 1962

(2) *Dallas Morning News*, August 10, 1962; *New York Times*, August 30, 1962

WHO IS DAN SMOOT?

Dan Smoot was born in Missouri. Reared in Texas, he attended SMU in Dallas, taking BA and MA degrees from that university in 1938 and 1940.

In 1941, he joined the faculty at Harvard as a Teaching Fellow in English, doing graduate work for the degree of Doctor of Philosophy in the field of American Civilization.

In 1942, he took leave of absence from Harvard in order to join the FBI. At the close of the war, he stayed in the FBI, rather than return to Harvard.

He worked as an FBI Agent in all parts of the nation, handling all kinds of assignments. But for three and a half years, he worked exclusively on communist investigations in the industrial midwest. For two years following that, he was on FBI headquarters staff in Washington, as an Administrative Assistant to J. Edgar Hoover.

After nine and a half years in the FBI, Smoot resigned to help start the Facts Forum movement in Dallas. As the radio and television commentator for Facts Forum, Smoot, for almost four years spoke to a national audience giving both sides of great controversial issues.

In July, 1955, he resigned and started his own independent program, in order to give only one side — the side that uses fundamental American principles as a yardstick for measuring all important issues.

If you believe that Dan Smoot is providing effective tools for those who want to think and talk and write on the side of freedom, you can help immensely by subscribing, and encouraging others to subscribe, to *The Dan Smoot Report.*

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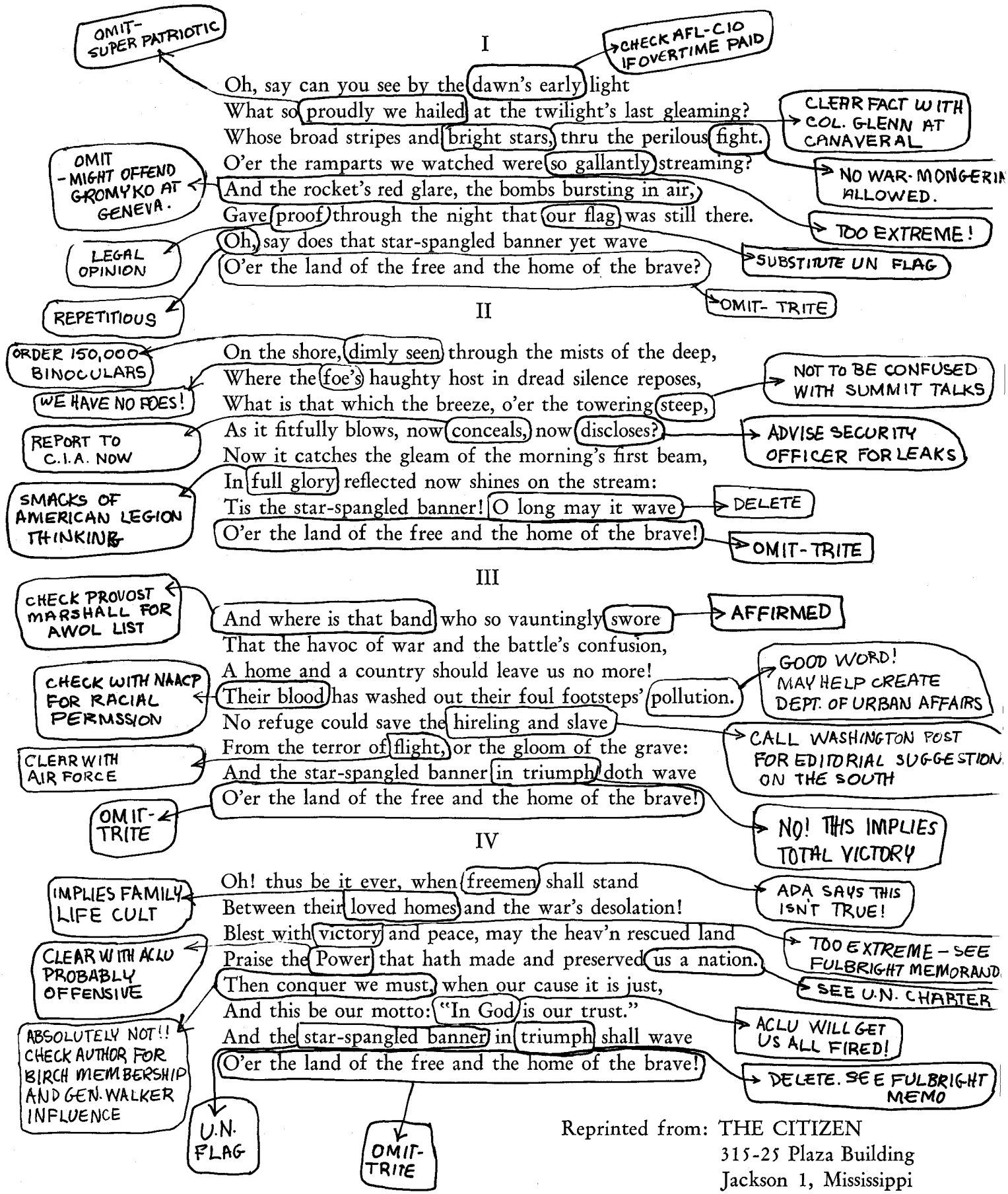
CENSORSHIP, WASHINGTON STYLE!

From the Jackson (Miss.) *Daily News*


OMIT- SUPER PATRIOTIC
CHECK AFL-CIO IF OVERTIME PAID
CLEAR FACT WITH COL. GLENN AT CANAVERAL
NO WAR-MONGERIN ALLOWED.
OMIT - MIGHT OFFEND GROMYKO AT GENEVA.
TOO EXTREME!
LEGAL OPINION
SUBSTITUTE UN FLAG
REPETITIOUS
OMIT- TRITE
ORDER 150,000 BINOCULARS
NOT TO BE CONFUSED WITH SUMMIT TALKS
WE HAVE NO FOES!
REPORT TO C.I.A. NOW
ADVISE SECURITY OFFICER FOR LEAKS
SMACKS OF AMERICAN LEGION THINKING
DELETE
OMIT-TRITE
CHECK PROVOST MARSHALL FOR AWOL LIST
AFFIRMED
GOOD WORD! MAY HELP CREATE DEPT. OF URBAN AFFAIRS
CHECK WITH NAACP FOR RACIAL PERMSSION
CALL WASHINGTON POST FOR EDITORIAL SUGGESTION ON THE SOUTH
CLEAR WITH AIR FORCE
OMIT- TRITE
NO! THIS IMPLIES TOTAL VICTORY
IMPLIES FAMILY LIFE CULT
ADA SAYS THIS ISN'T TRUE!
TOO EXTREME - SEE FULBRIGHT MEMORAND
CLEAR WITH ACLU PROBABLY OFFENSIVE
SEE U.N. CHARTER
ACLU WILL GET US ALL FIRED!
ABSOLUTELY NOT!! CHECK AUTHOR FOR BIRCH MEMBERSHIP AND GEN. WALKER INFLUENCE
DELETE. SEE FULBRIGHT MEMO
U.N. FLAG
OMIT- TRITE

I

Oh, say can you see by the dawn's early light
What so proudly we hailed at the twilight's last gleaming?
Whose broad stripes and bright stars, thru the perilous fight.
O'er the ramparts we watched were so gallantly streaming?
And the rocket's red glare, the bombs bursting in air,
Gave proof through the night that our flag was still there.
Oh, say does that star-spangled banner yet wave
O'er the land of the free and the home of the brave?

II

On the shore, dimly seen through the mists of the deep,
Where the foe's haughty host in dread silence reposes,
What is that which the breeze, o'er the towering steep,
As it fitfully blows, now conceals, now discloses?
Now it catches the gleam of the morning's first beam,
In full glory reflected now shines on the stream:
Tis the star-spangled banner! O long may it wave
O'er the land of the free and the home of the brave!

III

And where is that band who so vauntingly swore
That the havoc of war and the battle's confusion,
A home and a country should leave us no more!
Their blood has washed out their foul footsteps' pollution.
No refuge could save the hireling and slave
From the terror of flight, or the gloom of the grave:
And the star-spangled banner in triumph doth wave
O'er the land of the free and the home of the brave!

IV

Oh! thus be it ever, when freemen shall stand
Between their loved homes and the war's desolation!
Blest with victory and peace, may the heav'n rescued land
Praise the Power that hath made and preserved us a nation.
Then conquer we must, when our cause it is just,
And this be our motto: "In God is our trust."
And the star-spangled banner in triumph shall wave
O'er the land of the free and the home of the brave!

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